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13 *and Tarandeep Singh*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 MARTIN ORTIZ,

12 Plaintiff,

13 vs.

14 COOL FREIGHT EXPRESS, INC.,
15 TARANDEEP SINGH, DOES 1 - 10, and
16 ROE CORPORATIONS 1 - 10, Inclusive,

17 Defendants.
18

CASE NO.:

**DEFENDANTS COOL FREIGHT,
INC. AND TARANDEEP SINGH'S
NOTICE OF RENEWED REMOVAL
PURSUANT TO 28 U.S. CODE § 1446**

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20 Defendant, Cool Freight Express, Inc. ("Cool Freight") and Defendant Tarandeep Singh
21 ("Singh")(collectively "Defendants"), by and through their counsel of record, Melissa J. Roose,
22 Esq. and Heather Caliguire Fleming, Esq., of the law offices of RESNICK & LOUIS, P.C.,
23 hereby gives notice of renewed removal of this action to the United States District Court for the
24 District of Nevada from the Nevada Second Judicial District Court in and for Washoe County.
25 This Notice of Renewed Removal is signed pursuant to Fed. R. Civ. P. 11.

26 In support of this Notice of Renewed Removal, Defendants state and allege as follows:
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1 1. This Court has original jurisdiction over the subject matter of this action
2 pursuant to 28 U.S.C. §1332 as there is complete diversity between the parties and the amount
3 in controversy exceeds \$75,000, exclusive of interests and costs.

4 2. Plaintiff, Martin Ortiz, is a citizen of the State of Nevada.

5 3. Defendant, Cool Freight, is a California Corporation with its principal place of
6 business in California.

7 4. Defendant, Tarandeep Singh, is a citizen of the State of California.

8 5. The Notice of Removal is timely. Plaintiff initially filed his Complaint on April
9 10, 2020 and served the Summons and Complaint on Cool Freight on or about May 22, 2020.
10 After a brief extension, during which time the parties discussed the critical need to obtain
11 Plaintiff's medical records and billing, Cool Freight filed its answer on June 22, 2020. **Exhibit**
12 **A Declaration of Heather Caliguire Fleming.**

13 6. Defendant Cool Freight removed this case to Federal Court on June 26, 2020.

14 7. Plaintiff served the Summons and Complaint on Singh on or about June 11,
15 2020. Singh filed his Answer to Plaintiff's Complaint in Federal Court on June 26, 2020.

16 8. On this same date of June 26, 2020, Plaintiff filed a Motion to Remand.
17 Defendants filed an Opposition on July 8, 2020. On this same date of July 8, 2020, Plaintiff
18 filed a Reply.

19 9. Defendants awaited receipt of Plaintiff's anticipated prompt and timely
20 production of outstanding medical records and billing (which contained specific details of
21 Plaintiff's alleged injuries, treatment and damages in controversy in excess of \$75,000). Almost
22 five (5) months passed without production of these outstanding materials by Plaintiff.

23 10. On October 22, 2020 this case was remanded to State Court.

24 11. On November 2, 2020, just over a week later, Plaintiff filed a Request for
25 Exemption from Arbitration in this action currently pending in the Second Judicial District,
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1 Washoe County, Nevada, Case No. CV20-00610. See **Exhibit B** Request for Exemption.¹
2 Plaintiff disclosed a plethora of medical records and billing to the State Court asserting past
3 medical specials of \$89,235.49 and property damage of \$19,811.03 for a current total of
4 \$106,046.52 thereby conceding damages in controversy exceed \$75,000.

5 12. This removal is timely pursuant to 28 U.S. Code § 1446(b)(3). Specifically, a
6 defendant may remove a case to federal court based on diversity jurisdiction within 30 days of
7 receiving a copy of an amended pleading, motion or other paper showing the case is removable.
8 Here, Plaintiff filed an Amended Complaint on October 26, 2020 and Request for Exemption
9 from Arbitration asserting damages in excess of \$75,000 on November 2, 2020.

10 13. Copies of Plaintiff's Complaint, Summons and Proof of Service with respect to
11 Cool Freight and Singh, Notice of Stipulation to Amend Complaint and Plaintiff's Amended
12 Complaint are attached hereto as **Exhibit C**. This, along with the **Exhibit B** Request for
13 Exemption, constitutes all of the pleadings filed by Plaintiff in the Second Judicial District,
14 Washoe County, Nevada, Case No. CV20-00610.

15 14. Copies of Cool Freight's state court Initial Appearance Fee Disclosure, NRCF
16 7.1 Disclosure Statement, Jury Demand, Answer to Plaintiff's Complaint, and Answer to
17 Plaintiff's Amended Complaint are attached hereto as **Exhibit D**. This constitutes all of the
18 pleadings filed by Cool Freight in the Second Judicial District, Washoe County, Nevada, Case
19 No. CV20-00610.

20 15. Copies of Singh's federal court Answer to Plaintiff's Complaint and state court
21 Answer to Plaintiff's Amended Complaint are attached hereto as **Exhibit E**. This constitutes
22 all of the pleadings filed by Singh in the Second Judicial District, Washoe County, Nevada,
23 Case No. CV20-00610.
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28 ¹ Exhibits consist of medical records and billing; however, only billing records are attached hereto to minimize public disclosure of sensitive information (complete exhibits available upon request).

Based upon the foregoing, Defendants hereby renew the removal of the above action now pending in the Second Judicial District, Washoe County, Nevada, Case No. CV20-00610, to this Court.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of November 2020, I electronically filed the foregoing **COOL FREIGHT, INC. AND TARANDEEP SINGH'S NOTICE OF RENEWED REMOVAL PURSUANT TO 28 U.S. CODE § 1446** with the Clerk of Court for the United States District Court, District of Nevada, by using the CM/ECF system which will send email notification to the following counsel of record:

Curtis B. Coulter: curtis@coulterharshlaw.com

Brent Hunter Harsh: brent@coulterharshlaw.com

Karl H. Smith: karl@coulterharshlaw.com

/s/ Heather Caliguire Fleming
An Employee of Resnick & Louis, P.C.